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TRANSCRIPT OF PROCEEDINGS

FEB 16 1994

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

IN THE MATTER OF:

MM DOCKET NO. 93-75

TRINITY BROADCASTING OF FLORIDA, INC.  
and  
GLENDALE BROADCASTING COMPANY

Miami, Florida

DATE OF HEARING: January 24, 1994

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and  
GLENDALE BROADCASTING COMPANY

MM Docket No. 93-75

Miami, Florida  
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The above-entitled matter came on for hearing pursuant to  
Notice before Judge Joseph Chachkin, Administrative Law Judge,  
at 2000 L Street, N.W., Washington, D.C., in Courtroom No. 3,  
on Monday, January 24, 1994 at 9:00 a.m.

## APPEARANCES:

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<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
David A. Gardner				
By Mr. Emmons	4812			
By Mr. Schonman		4863		

## EXHIBITS

<u>Exhibit</u>	<u>Identified</u>	<u>Received</u>	<u>Rejected</u>
Glendale Exhibit No. 221	4947	4949	

Hearing began: 9:00 a.m.	Hearing Ended: 3:00 p.m.
Lunch Break Began: 12:25 p.m.	Lunch Break Ended: 1:45 p.m.

## P R O C E E D I N G S

JUDGE CHACHKIN: Please continue, Mr. Emmons. I should tell you that I have a hearing starting next Tuesday and the way we're moving on this case we may have problems.

MR. EMMONS: I think not, Your Honor, you'll make it.

JUDGE CHACHKIN: All right.  
Whereupon,

DAVID GARDNER

was recalled as a witness and, after having previously been duly sworn, was examined and testified further as follows:

## D I R E C T   E X A M I N A T I O N

BY MR. EMMONS:

Q     Mr. Gardner, did you go to see the Lancaster and/or Lebanon sites in 1993 after those sites became an issue in this hearing, in this proceeding?

MR. SCHAUBLE: Objection. Relevance, Your Honor.

JUDGE CHACHKIN: What's the relevance?

MR. EMMONS: Your Honor, we will submit that there is a question of credibility as to when the witness went to see these sites as a basis for the statements he's made. And in that connection, we think it's relevant to know whether he saw these sites after Trinity raised an issue about the sites in the proceeding.

JUDGE CHACHKIN: Are you asserting he didn't go

1 earlier?

2 MR. EMMONS: No, we're not going to assert that he  
3 didn't go earlier. We may very well assert that the detail to  
4 which he has testified is provided by a visit to the site, or  
5 visits, after Trinity raised the issue.

6 JUDGE CHACHKIN: All right. I'll overrule the  
7 objection.

8 MR. GARDNER: Yes, I did.

9 BY MR. EMMONS:

10 Q And when did you -- when in 1993 did you go see the  
11 sites?

12 A I don't recall the exact dates.

13 Q But it was after Trinity raised an issue about the  
14 sites, roughly last May?

15 A Yes.

16 Q And you went subsequently to see both sites or just  
17 one of the sites?

18 A I've, I've seen both sites, yes.

19 Q In 1993?

20 A Yes.

21 Q That was before your deposition?

22 A I've seen them, I've seen them a couple of times.

23 Q Before and after your deposition?

24 A I don't recall. I'm sure I've seen them after my  
25 deposition, yes.

1 Q You don't recall whether you saw them before --  
2 between May of 1993 and your deposition in September 1993?

3 A It's possible I saw it before my deposition also.

4 Q Now, Mr. Gardner, would you turn to TBF Exhibit 245,  
5 page 3? That's the -- that's one of the December 1991  
6 extension application.

7 A Yes.

8 Q And toward the bottom of -- on the second line from  
9 the bottom -- starting second line from the bottom, page 3,  
10 referring to Raystay, you -- Exhibit 1 states, "It has also  
11 had continuing negotiations with local cable television  
12 franchises to ascertain what type of programming would enable  
13 the station to be carried on local cable systems." My  
14 question to you is, who on behalf of Raystay was negotiating  
15 with cable television systems in the Lancaster and Lebanon  
16 area?

17 A Hal Etsell.

18 Q Was anyone besides Mr. Etsell to your knowledge  
19 negotiating with local cable systems?

20 A I did.

21 Q You, you negotiated with local cable systems?

22 A I did, yes.

23 Q With, with respect to carrying the low-power  
24 stations on the, on the systems?

25 A Yes.

1 Q All right. Now, let's take your negotiations. When  
2 did you conduct such negotiations?

3 A In 1991, 1992. I think in 1990.

4 Q With whom did you conduct such negotiations in 1991?

5 A Ron Amick.

6 Q Can you spell that, please?

7 A R-O-N, A-M-I-C-K.

8 Q And who is he?

9 A He's the manager of the Elizabethtown/Marietta Cable  
10 System.

11 Q And where is, where is that system located?

12 A Elizabethtown/Marietta, Pennsylvania.

13 Q Is that in the service area of one of the low-power  
14 stations covered by the permits held by Raystay?

15 A Yes.

16 Q Which service area is it in?

17 A Lancaster.

18 Q Now, when, when did you negotiate with him?

19 A I see Ron Amick on -- a couple times a year at the  
20 Atlantic Cable Show and at meetings in Harrisburg of the  
21 Pennsylvania Cable Television Association. And when I would  
22 see him I, I would ask him about the possibility of carriage  
23 on his system.

24 Q Can, can you place such conversations with dates --  
25 specific dates?

1           A     Not specific dates, no.

2           Q     All right. Now, in addition to Mr. Ron Amick did  
3 you negotiate with any other local cable systems for carriage  
4 of Raystay's low-power stations?

5           A     Well, that's a different question than the one you  
6 asked before.

7           Q     Well --

8           A     Before you were --

9           Q     -- maybe you and I are misunderstanding.

10          A     Before you were specific to Lancaster and Lebanon.  
11 Raystay had other construction permits in Red Lion.

12          Q     All right. Let me, let me confine the question to  
13 Lancaster and Lebanon.

14          A     Sure.

15          Q     Apart from Mr. Ron Amick, did you negotiate with any  
16 cable system for carriage of Raystay's low-power, low-power  
17 stations for Lancaster or Lebanon?

18          A     No.

19          Q     Now, would you turn to your deposition, please? Do  
20 you have that, the yellow volume?

21          A     Yes.

22          Q     To page 136.

23          A     Yes.

24          Q     And just to orient you, the questioning at this  
25 point was with respect to Mr. Etsell's discussions with local



1 cable television systems for carriage of the Raystay low-power  
2 systems. And starting at the bottom of page 136 on line 25  
3 and carrying over there is the following testimony about which  
4 I'm going to ask you a question in a moment. "Question: o  
5 your knowledge did, did anyone other than Mr. Etsell have  
6 discussions on behalf of Raystay with local cable operations  
7 concerning carriage of these several low-power stations on the  
8 cable systems?" Answer: The C.P.s? Question: Yes. Answer:  
9 I know of no other such discussions."  
10 A Yes.  
11 Q Now, do you, do you regard that testimony that I've  
12 just quoted from your deposition as consistent with the  
13 testimony you've given this morning?  
14 A I would say not, no.  
15 Q And how do you account for the inconsistency?  
16 A I remembered that I had some discussions with some  
17 cable operators.  
18 Q With Mr. Amick?  
19 A Yes.  
20 Q And when, and when did you remember that?  
21 A In preparation for these proceedings.  
22 Q You had a lot of time to think about that after your  
23 deposition, did you not?  
24 A Yes.  
25 Q Did you say anything about your discussions with

1 Mr. Amick in your direct written testimony in this case?

2 MR. SCHAUBLE: Objection, Your Honor. What's,  
3 what's the relevance of --

4 MR. EMMONS: Well, the relevance, Your Honor, is  
5 that we're getting some inconsistent testimony here and I want  
6 to establish the inconsistencies.

7 MR. SCHAUBLE: I think he's already done --

8 JUDGE CHACKIN: Is there anything, is there  
9 anything in his direct testimony which deals with --

10 MR. EMMONS: Well, at Glendale Exhibit 209, Your  
11 Honor, at page 6, fifth line from the bottom, there's the  
12 following testimony. "I also knew that Mr. Etsell had talked  
13 to several of the major cable systems within the service areas  
14 of the Lebanon and Lancaster stations concerning the type of  
15 programming that would persuade the cable systems to carry the  
16 LPTV stations."

17 BY MR. EMMONS:

18 Q And Mr. Gardner, is there anything in, in that  
19 statement about your discussions with any cable operators?

20 MR. SCHAUBLE: Objection, Your Honor. There's no  
21 inconsistency, or not --

22 JUDGE CHACKIN: Is there any mention here of, of  
23 Mr. Gardner having discussions concerning carriage cable --  
24 carriage of the LPTV?

25 MR. SCHAUBLE: I don't believe so, Your Honor, but

1 that's not necessarily an inconsistency. I think the only  
2 inconsistency which has already been brought is in the, is in  
3 the deposition testimony and Mr. Gardner has already given  
4 his --

5 JUDGE CHACHKIN: Well --

6 MR. SCHAUBLE: -- his explanation in that regard.

7 JUDGE CHACHKIN: Yeah, but the fact of the matter  
8 is, this testimony is of more recent vintage, I assume.

9 MR. EMMONS: This testimony was signed, Your Honor,  
10 on November 11, 1993.

11 JUDGE CHACHKIN: So, the question is when did  
12 Mr. Gardner recall that he had also had discussions, and I  
13 think it's appropriate to go into it. I'll overrule the  
14 objection.

15 MR. GARDNER: What's the question?

16 BY MR. EMMONS:

17 Q Well, you conceded do you not that in your, in your  
18 written testimony signed November 11, 1993, you made no  
19 mention at all of any discussions with local cable operators  
20 than the discussions that you understood had been conducted by  
21 Mr. Etsell. Is that correct?

22 A Yes.

23 Q And your -- you signed this statement, your direct  
24 testimony, approximately two months after you were questioned  
25 at your deposition. Is that not correct?

1 A Yes.

2 Q And still, by November 11, 1993, you didn't remember  
3 that you had had discussions with some cable operator about  
4 carriage of Raystay's low-power systems?

5 A It appears that I didn't.

6 Q So, you're now telling us that you have now since  
7 you submitted your direct testimony in this case have recalled  
8 that you had some discussion. Is that correct?

9 A That's correct.

10 Q Now, with respect to Mr. Etsell's discussions which  
11 were are referred to, which are referred to in your direct  
12 testimony and your deposition testimony, do you know which  
13 cable operators Mr. Etsell had such discussions with?

14 A I believe Mr. Etsell had conversations with Time  
15 Warner which is in Reading, Pennsylvania and Lenfest -- the  
16 Lenfest Group which services Lebanon, Lancaster and other  
17 areas around both those cities.

18 Q And what is the basis of your belief that he spoke  
19 with those systems?

20 A I recall him telling me that he was in discussions  
21 with them.

22 Q Did he tell you that he'd met with them?

23 A Yes.

24 Q Would you turn to you deposition transcript, please,  
25 page 34? Starting at line 2 on page 34, the following

1 question and answers appear. "Question: Do you know what  
2 cable operators he met with? Answer: No. Question: Do you  
3 know when he met with them? Answer: No. Question: Do you  
4 know the substance of discussions that he had with them?  
5 Answer: No." Was that truthful testimony when you gave that  
6 testimony at your deposition.

7 A Yes.

8 Q So, am I correct then at the time of your deposition  
9 you did not know what cable operators Mr. Etsell had met with?

10 A I did not recall which cable operators he had met  
11 with, that's correct.

12 Q But, but you've now since recalled?

13 A Yes, I have.

14 Q Have you talked to Mr. Etsell about that since your  
15 deposition?

16 A I can't recall whether I've talked to Mr. Etsell  
17 about it or not.

18 Q Have you talked to anyone about it, including  
19 counsel?

20 A Yes.

21 Q And does, does, does information about who  
22 Mr. Etsell met with come from counsel?

23 A I believe in our discussions concerning these  
24 proceedings John Schauble and others have discussed with me  
25 who Hal Etsell met with.

1 Q Now, at the time you filed -- at the time that  
2 Exhibit 1 was filed, that is to say, TBF Exhibit 245 and, and  
3 the related extension applications in December 1991, did you  
4 know when Mr. Etsell had conducted such discussions?

5 A Not specific dates, no.

6 Q And did you know when the last such discussion  
7 occurred between Mr. Etsell and any cable operator concerning  
8 carriage of Raystay's low-power stations?

9 A I recall that in the spring of -- the, the  
10 winter/spring, January, February, March of 1992, that Hal  
11 Etsell indicated he was still having discussions with system  
12 operators.

13 Q In, in the period of January to March 1992?

14 A Yes, and, and up until that point also, 1991 and  
15 into 1992.

16 Q When did you, when did you recall that? Did you  
17 recall that at the time you signed Exhibit 1? I'm sorry,  
18 withdraw the question. Did you recall that at the time you  
19 reviewed Exhibit 1 in December 1991?

20 A In December of 1991 and, and the months leading up  
21 until then, Hal Etsell and I worked closely on a number of  
22 projects and the LPTV project was one of those projects. So,  
23 I was aware of his creation of a business plan and his  
24 discussions with cable operators to try to find programming  
25 that would be satisfactory for them to put the LPTVs on the

1 | air.

2 |       Q     Do you know of any documents that reflect  
3 | discussions by Mr. Etsell with cable operators concerning  
4 | carriage of the low-power stations?

5 |           MR. SCHAUBLE: Other than, other than testimony in  
6 | this --

7 |           BY MR. EMMONS:

8 |       Q     Other than testimony in this proceeding?

9 |       A     I do not recall any -- seeing any such documents.

10 |       Q     Before approving Exhibit 1 in December 1991, did you  
11 | contact Mr. Etsell to ascertain the status of any negotiations  
12 | he might be having with cable operators?

13 |       A     I did not.

14 |       Q     Now, would you turn to TBF Exhibit 265? That's a  
15 | separate volume, Volume 3-F.

16 |       A     Yes.

17 |       Q     Just to orient you, this is the deposition testimony  
18 | give by Mr. Etsell in this proceeding and it's, it's been,  
19 | it's been made an exhibit now, a hearing exhibit in this  
20 | proceeding. I'll ask you to turn to page 63.

21 |       A     Yes.

22 |       Q     And specifically focus your attention on lines 15  
23 | and 16 and I will ask you do you have any reason to believe  
24 | that the following testimony given by Mr. Etsell is untrue.  
25 | "My involvement with this project ended somewhere around the

1 end of the first quarter of 1991."

2 MR. SCHAUBLE: Objection. Objection, Your Honor. I  
3 think it's improper to ask this witness about deposition  
4 testimony of another witness here. And I also think there are  
5 other, and I also think there are other portions of this  
6 deposition which would be on this question. My, my more  
7 fundamental objection is that in, in essence what counsel is  
8 trying to do is impeach the deposition testimony -- this, this  
9 witness through another witness and this, this witness is not  
10 competent to explain why Mr. Etsell testified the way he did.

11 MR. EMMONS: I didn't ask the witness that question  
12 though, Your Honor. I simply asked the, the witness whether  
13 he -- whether this witness has any reason to believe or  
14 understand that the testimony I quoted from Mr. Etsell is not  
15 true.

16 JUDGE CHACHKIN: I'll, I'll sustain the objection.  
17 If you want to use this to, to refresh the witness's  
18 recollection you can, but I don't see how this witness could  
19 testify about some other witness's testimony. I mean, he --  
20 how does he know whether it's true or not true? I mean --

21 BY MR. EMMONS:

22 Q Well, let me ask -- Mr. Gardner, let me ask you this  
23 question. Did you ever hear that Mr. Etsell's involvement  
24 with Raystay's low-power television project ended some time  
25 around the end of the first quarter of 1991?



1           A     No.

2           JUDGE CHACHKIN: What I don't understand, if you  
3 have Mr. Etsell's testimony as to what he did, why are you  
4 asking this witness questions about Mr. Etsell? Why don't you  
5 just rest on Mr. Etsell?

6           MR. EMMONS: Well, I'm going to rest on Mr. Etsell,  
7 Your Honor.

8           JUDGE CHACHKIN: Well, he doesn't have personal  
9 knowledge. He says it's based on conversations he might have  
10 had or -- but if you have Mr. Etsell's testimony then  
11 presumably he knows what he did better --

12          MR. EMMONS: Sure.

13          JUDGE CHACHKIN: -- than what this witness knows  
14 what he did.

15          MR. EMMONS: No, I understand, Your Honor. I, I was  
16 simply going to give the witness a chance to explain if he  
17 could, but that's fine. We'll, we'll move on.

18          JUDGE CHACHKIN: He's, he's testified. He's basing  
19 on hearsay statements that were told to him by different  
20 people. That's his knowledge.

21          BY MR. EMMONS:

22          Q     Mr. Gardner, would you turn to Glendale Exhibit 209,  
23 please? That's, that's your direct written testimony?

24          A     Yes.

25          Q     At the bottom of page 3 and carrying over to the top

1 of page 4, you say at the very end of the line -- last line on  
2 page 3, "I have had conversations with Wagner, an antenna  
3 manufacturer, power suppliers, two transmitter suppliers and  
4 wire suppliers including Andrew or representatives of such  
5 suppliers concerning equipment that could be used to build the  
6 Lancaster and Lebanon LPTV stations." And my question to you,  
7 Mr. Gardner is, when did those conversations occur?

8 A They occurred from time to time during the periods  
9 of 1990, 1991, possibly 1992.

10 Q Would you turn to your deposition, please, page 101?

11 A Yes.

12 Q Down at the bottom, starting on line 21, there's the  
13 following question and answer and I will have a question.

14 "Question: Did you tell Mr. Schauble when discussions with  
15 equipment representatives either by you or George Gardner took  
16 place? Answer: Generally, they would have taken place prior  
17 to this discussion, but as to specific times, I don't recall."

18 MR. SCHAUBLE: Counsel, could we, could we stipulate  
19 just to clarify the record that this discussion refers to the  
20 discussion that took place in December 1991?

21 MR. EMMONS: Yes, you mean the discussion between  
22 Mr. Gardner and Mr. Schauble?

23 MR. SCHAUBLE: Yes.

24 MR. EMMONS: Yes.

25 BY MR. EMMONS:

1 Q Mr., Mr. Gardner, when did you come to recall that  
2 your discussions with equipment representatives occurred as  
3 you've now testified in 1990 and 1991 and possibly 1992?

4 MR. SCHAUBLE: Your Honor, if counsel is suggesting  
5 that there is an inconsistency here, I, I think I object on  
6 the basis -- the witness -- but as to specific times I don't  
7 recall -- I don't think there's necessarily an -- I don't  
8 think there is an inconsistency here between the deposition  
9 testimony and the -- and what the witness just testified to.

10 JUDGE CHACHKIN: Where is the inconsistency,  
11 Mr. Emmons?

12 MR. EMMONS: Well, the question in the deposition  
13 was when the discussions occurred and --

14 JUDGE CHACHKIN: He said he didn't recall specific  
15 times. Now, if he recalls years, I don't know if that -- that  
16 doesn't constitute specific times, that's pretty broad. If he  
17 recalled April 24th, 1991 then I agree that would be  
18 inconsistent, but if he says it occurred during three years, I  
19 don't see where there's any inconsistency.

20 BY MR. EMMONS:

21 Q Mr. Gardner, did such discussions that you had with,  
22 with equipment representatives occur at an LPTV convention in  
23 Las Vegas?

24 A Yes.

25 Q And, and when was that convention?

1 A I believe it was in 1989 in the fall.

2 Q And by fall, would that be about November 1989?

3 A I, I recall it was in the fall.

4 Q Did George Gardner attend the same convention?

5 A Yes.

6 Q And is that the only LPTV convention that you  
7 attended in, in Las Vegas in the period 1989 to 1992?

8 A Yes.

9 Q Now, in your direct written testimony you stated  
10 that --

11 A Are we on 209 again?

12 Q Yes, we're on Glendale Exhibit 209. Now we're on  
13 page 4.

14 A Yes.

15 Q And in the, the last sentence of the carryover  
16 paragraph on page 4 it says, "I also knew that George Gardner  
17 had had discussions with equipment suppliers concerning  
18 equipment that could be used for these stations." And my  
19 question to you is, when did George Gardner have the, the  
20 discussions with equipment suppliers that you referred to or  
21 that are referred to in, in Exhibit 1?

22 A I don't recall the exact dates that he would have  
23 had those conversations.

24 Q Were his conversations at the same LPTV convention  
25 that you attended?

1           A     Some were, yes.

2           Q     Now, did your conversations with equipment suppliers  
3 tail off after that LPTV convention?

4           A     No.

5           Q     Would you turn to your deposition, page 104, please?

6           A     Yes.

7           Q     And starting down at the bottom -- toward the  
8 bottom, line 21, and carrying over there, the following  
9 testimony. "Question: And I think you indicated that you  
10 were more active in that area, discussions with equipment  
11 suppliers, earlier on and then I gather that activity reduced  
12 after a period of time. Answer: Yes. Question: That's  
13 right. Was the time that you were more active around the time  
14 of the Las Vegas convention? Answer: Yes. Question: And  
15 you became less active after that? Answer: Yes." Now, is  
16 that testimony correct?

17          A     Yes.

18          Q     So, it is true that you became less active in  
19 talking with equipment suppliers about LPTV equipment after  
20 the Las Vegas convention than you were at the time of the Las  
21 Vegas convention?

22          A     Yes.

23          Q     Now, is it correct that you were no longer talking  
24 to equipment suppliers about low-power equipment for the new  
25 low-power stations by the time that Raystay began its

1 discussion with Mr. Fenstermacher?

2 A I don't believe that's correct, no.

3 Q Would you look at your deposition, page 105, please?

4 A Yes.

5 Q Starting on line 14, "Question: Were you still  
6 talking to equipment suppliers or representatives after the  
7 time that Raystay entered into the contracts with  
8 Mr. Fenstermacher's company? Answer: I was not." Now, is  
9 that statement -- was that testimony correct?

10 A This testimony was correct at the time. However, I  
11 recall that I have had some conversations with LPT suppliers.  
12 Let's see, Mr. Fenstermacher was 1991. I, I had some  
13 conversations of a small basis after the Fenstermacher deal so  
14 I do some small conversations, but not major conversations.

15 Q But you did not recall those at your deposition?

16 A I did not, no.

17 JUDGE CHACKIN: What do you mean by small  
18 conversations?

19 MR. GARDNER: I would talk about major conversations  
20 being very expensive items like transmitters and antennas and  
21 other conversations about things like studio equipment and  
22 equipment that might have a dual role in radio and television  
23 as being small.

24 JUDGE CHACKIN: Go ahead, Mr. Emmons.

25 BY MR. EMMONS:

1 Q Did, did the discussions you have referred to as  
2 small conversations concern the Lebanon and Lancaster low-  
3 power stations or did they concern TV-40 or something else?

4 A TV-40 and something else.

5 Q But not Lebanon or Lancaster?

6 A Studio equipment could be used in any of them, but  
7 specifically, when I had any discussions after 1991 they were  
8 not specific for any site.

9 Q And, and such discussions were in the context of  
10 TV-40?

11 A TV-40 and other operations.

12 Q Well, what other operations?

13 A Cable television, FM broadcasts.

14 Q Now, in your direct written testimony, Glendale  
15 Exhibit 209 page 4 as we've already noted, you testified that  
16 you knew that George Gardner had discussions with equipment  
17 suppliers. And my question to you is, how did you know that?

18 A After 1989 I believe George Gardner continued to  
19 attend LPTV conventions, he was involved with an LPTV trade  
20 organization and from time to time I received LPTV engineering  
21 type or, or equipment type information with notes on it from  
22 him to put in the LPTV file.

23 Q And by information are you referring basically to  
24 manufacturers' brochures, specification sheets?

25 A Manufacturers' brochures, possibly letters that

1 accompanied them, engineering type articles, that sort of  
2 thing .

3 Q Well, I'm talking about discussions between George  
4 Gardner and equipment suppliers.

5 A On, on many of -- on some, on some of the brochures  
6 or information I saw no notes that he had made which led me to  
7 believe he was having discussions with them.

8 Q Have those notes been produced in this proceeding?

9 A I've given -- I believe all the information has been  
10 produced.

11 Q When was the last time you saw a note from George  
12 Gardner from which you concluded that he had had discussions  
13 with equipment suppliers?

14 A I don't recall any specific dates.

15 Q Now, will you look at Glendale Exhibit 209, page 6,  
16 please?

17 A Yes.

18 Q And on the bottom paragraph of the page you say as  
19 follows in the first sentence, "With respect to the fourth  
20 paragraph of Exhibit 1, I had talked to program suppliers from  
21 time to time about the type of programming that could be  
22 placed on the Lancaster and Lebanon stations."

23 A Yes.

24 Q When did you have the discussions with program  
25 suppliers that are referred to in that sentence?



1       A     I had ongoing discussions with program suppliers  
2 prior to the, the grant of the LPTVs up into 1990, 1991, 1992,  
3 possibly even later than that.

4       Q     Were those discussions in connection with TV-40 or  
5 in connection specifically with the new low-power permits?

6       A     Some of the discussions were in respect to TV-40,  
7 some of the discussions were in specific respect to the new  
8 low-power permits.

9       Q     Now, can you tell us specifically when you had  
10 discussions with equipment suppliers specifically about  
11 programming that might be carried on the new low-power  
12 stations?

13           MR. SCHAUBLE: Objection. Discussions with  
14 equipment -- you said discussions with equipment suppliers.

15           BY MR. EMMONS:

16       Q     I'm, I'm sorry. I stand corrected. I'm sorry. I  
17 meant program suppliers.

18       A     I'm sorry, could you say the question again, please?

19       Q     Yes, I'm sorry. Could you tell us specifically when  
20 you had discussions with program suppliers about programs that  
21 might be carried on the new Raystay low-power stations?

22       A     I had discussions from time to time, but as to  
23 specific dates I can't give you specific dates.

24       Q     Do you have any notes or memoranda concerning such  
25 discussions?